

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SORRELL HOMES, INC.,

Plaintiff,

v.

DOUGLASS R. STILES CO. LLC, AND
DOUGLASS R. STILES,

Defendants.

Civil Action
No. 04-CV10260 WGY

AFFIDAVIT OF TIMOTHY A. SORRELL

I, Timothy A. Sorrell, hereby depose and state as follows:

1. I am an individual who resides at 3 Winding River Circle, Wellesley, Massachusetts. I am the President of Sorrell Homes, Inc. ("Sorrell Homes"), a Massachusetts corporation and the plaintiff in this lawsuit and am personally familiar with all matters addressed in this affidavit.

2. This copyright suit was brought by Sorrell Homes following defendants' unauthorized infringement of Sorrell Homes' copyrighted architectural work by constructing a New England Gambrel style house located at 4 Ridgeway Road, Wellesley, Massachusetts (the "Infringing House").

3. Sorrell Homes has not received payment of the \$27,500.00 referred to in the Court's Order dated January 16, 2007. It is my understanding that that payment would effectively terminate the permanent injunction previously imposed by the Court prohibiting defendants from "selling, leasing, renting, conveying, or using in any way the Infringing House" and would allow defendants to sell the Infringing House (as they indicated they wished to do at the evidentiary hearing that led to the January 16, 2007 Order). It is my further understanding

that, as noted in the January 16, 2007 Order, following sale of the Infringing House Sorrell Homes then would be entitled to pursue copyright damages in this action based on the profit realized as a result of the sale of the Infringing House.

4. After being advised by an acquaintance familiar with this matter that the Infringing House appears to be occupied, on Tuesday, April 24, 2007 I drove to the Infringing House, stopped briefly, and observed obvious signs of occupancy, apparently by a family with one or more young children. There were two Sports utility vehicles (SUV's) parked at the house, lights on in the house, windows open, and a baby carriage outside the house. While I was stopped in my car across the street from the Infringing House, I saw a woman get out of one of the SUVs and enter the house through the garage.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746 THAT THE FOREGOING IS TRUE AND CORRECT. SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 11th DAY OF MAY, 2007.

/s/ Timothy A. Sorrell
Timothy A. Sorrell